

HOUSE BILL REPORT

HB 2811

As Passed Legislature

Title: An act relating to establishing permit processing timelines and reporting requirements for certain local governments subject to the requirements of RCW 36.70A.215.

Brief Description: Establishing permit processing timelines and reporting requirements for certain local governments subject to the requirements of RCW 36.70A.215.

Sponsors: By Representatives Jarrett, Upthegrove, Priest, Romero, Shabro, Moeller, Clibborn, Linville, Edwards, Tom, Sullivan and Woods.

Brief History:

Committee Activity:

Local Government: 2/2/04, 2/4/04 [DP].

Floor Activity:

Passed House: 2/11/04, 93-0.

Senate Amended.

Passed Senate: 3/3/04, 45-0.

House Concurred.

Passed House: 3/8/04, 95-0.

Passed Legislature.

Brief Summary of Bill

- Modifies statutory requirements for Growth Management Act development regulations relating to time periods for local government actions on project permit applications.
- Requires these time periods to be both established and implemented for each type of project permit.
- Revises and modifies expired statutory provisions requiring the 'buildable lands' counties and cities within those counties with populations of at least 20,000 to produce and post annual permit reports.
- Requires the Department of Community, Trade, and Economic Development, in cooperation with local governments, to prepare a report summarizing projected implementation costs and making state funding assistance recommendations for submission to the Governor and the Legislature by January 1, 2005.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 11 members: Representatives Romero, Chair; Simpson, D., Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Clibborn, Edwards, Ericksen, Mielke, Moeller and Upthegrove.

Staff: Ethan Moreno (786-7386).

Background:

The Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. Counties and cities meeting specific population and growth criteria are required to comply with the major requirements of the GMA. Counties not meeting these criteria may choose to plan under the GMA. Twenty-nine of 39 counties, and the cities within those 29 counties, are required to or have chosen to comply with the major requirements of the GMA (GMA jurisdictions).

GMA jurisdictions must adopt internally consistent comprehensive land use plans (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. GMA jurisdictions also must adopt development regulations that are consistent with and implement the comprehensive plan.

Development regulations adopted by GMA jurisdictions must establish time periods for local government actions on specific project permit applications, a term defined by statute to include any land use or environmental permit or license required from a local government for a project action. The adopted development regulations also must provide timely and predictable procedures to determine whether a completed application meets the requirements of those regulations and specify the contents of a completed project permit application. By statute, the time periods for local government actions on specific complete project permit applications or types should not exceed 120 days.

Counties subject to the 'buildable lands' provisions of the GMA (Snohomish, King, Pierce, Kitsap, Thurston, and Clark Counties) and the cities within those counties with populations of at least 20,000 must comply with specific requirements related to project permits, including identifying the types of project permit applications for which decisions are issued, establishing deadlines for issuing final decisions, and establishing minimum requirements for complete applications that are consistent with the statutory 120-day standard.

Expired statutory provisions required these same jurisdictions to prepare at least two annual performance reports according to specified minimum requirements. The reports were required to include the number of complete applications received, the number of complete applications received during the year for which a notice of final decision was issued before the established deadline, and other information. In addition, these jurisdictions were required to provide notice of and access to the reports through the county's or city's web site or other reasonable methods. The performance reporting and public notification requirements expired on September 1, 2003, and July 1, 2003, respectively.

The Department of Community, Trade, and Economic Development (CTED) provides technical and financial assistance to jurisdictions implementing the GMA. The CTED also adopts procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of the GMA.

Summary of Bill:

Development regulations adopted according to the Growth Management Act (GMA) must establish and implement time periods for local government actions for each type of project permit application. The time periods for local government actions for each type of complete project permit application should not exceed 120 days and the development regulations must, for each type of permit application, specify the contents of a completed project permit application necessary for complete compliance with the related time periods and procedures.

Counties subject to the 'buildable lands' provisions of the GMA and the cities within those counties with populations of at least 20,000 must produce annual reports by project permit application type that comply with specified minimum criteria. The minimum criteria must include the mean processing time and the number standard deviation from the mean.

Jurisdictions subject to the reporting requirements must post electronic facsimiles of the annual performance reports through the county's or city's web site. Web site postings indicating that reports are available by contacting the appropriate official do not comply with the specified requirements.

The Department of Community, Trade, and Economic Development (CTED) must work with counties subject to the 'buildable lands' provisions of the GMA and certain cities within those counties to review the potential implementation costs of specified reporting requirements. Additionally, the CTED, in cooperation with local governments, must prepare a report summarizing the projected costs, together with recommendations for related state funding assistance, for submission to the governor and the appropriate committees of the Legislature by January 1, 2005.

Appropriation: None.

Fiscal Note: Requested on January 30, 2004.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The requirement for certain jurisdictions to produce permitting reports was part of legislation that established 120-day processing timelines in statute. The provisions of this bill try to add to the expectations of the original legislation by motivating improved permitting performance through competition or embarrassment. This bill resulted from an examination of permitting issues by a work group during the interim. The work group's

efforts revealed that obtaining the data was more difficult than expected and that some jurisdictions were performing poorly. A goal of this bill is to require the production of data for comparison and analysis. Providing processing transparency will lead to improved permitting performance. Legislation that would create comparable requirements for state agencies has been introduced. Permit applicants should be aware of what is happening at the permit counter, and this bill will help to increase such awareness. Local governments are taking steps to improve permitting performance. This bill is a common sense proposal and will lead to factual analysis of permitting performance.

Testimony Against: (Opposed with Concerns) Federal Way has made permit processing efficiency a top priority. Requiring jurisdictions to post facsimiles of the permitting reports on the Internet may require the posting of raw data that may be misinterpreted or misused. Cities should have flexibility regarding posting provisions.

(Neutral) This bill focuses on jurisdictions where most development activity occurs. This bill does not specify timelines that local governments must establish. Legislation mandating similar performance requirements from state agencies would be supported.

Persons Testifying: (In Support) Representative F. Jarrett, Prime Sponsor; Scott Merriman, Washington State Association of Counties; and Kristen Sawin, Association of Washington Business.

(Opposed with Concerns) Doug Levy, City of Federal Way, City of Kent.

(Neutral) Dave Williams, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: None.